

REMARKS

Introductory Comments:

Claims 1-7 and 9-19 are pending in the application. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being obvious in view of US Patent 5748230 to Orlando et al. Claims 7 and 9-19 are allowed. Applicants respectfully request reconsideration of claims 1-6.

In Response To The 35 U.S.C. 103 Claim Rejections:

The Office Action found claims 1-6 obvious because, according to the Office Action, the camera testing system of Orlando (col. 1 lines 6-9, noting Fig. 1) includes a camera output from element 18 displayed (monitor not shown: e.g. col. 4 lines 64-67; col. 5 line 9; col. 6 lines 1-3) within inherent default parameters, namely max levels achievable by the display unit. The light source is allegedly adjusted by controller 32 (claimed dimming component) such that various lamp levels are used for image testing (e.g. col. 3 lines 65-67), and respective signals are obtained therefrom per lighting condition, and are in turn displayed and analyzed (col. 3 line 67 - col. 4 line 6), as calculations for various parameters are made (e.g. col. 5 line 2+). The Office Action recognizes that the evaluations and calculations in the performance testing are done automatically.

However, the Office Action alleges that an observer may be present and may make whatever calculations or analysis as so desired. The Office Action does note that the official analysis is conducted by the computer regardless of the analysis made by the observer.

In response to these rejections, Applicants amend claim 1 to include at least one human observer analyzing the first and second lighting condition signals for viewability of the target and categorizing the first lighting condition signal with detectability levels. The detectability levels comprising a level wherein "nothing is

resolvable" and a level wherein "something is resolvable", from Page 8, Paragraph [0029] and Page 11, Paragraph [0040], which Orlando does not teach or suggest. No new matter has been added.

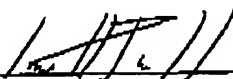
Orlando includes an automated testing system. Although the Office Action recognized that Orlando does not teach at least one human observer making an official analysis, the Office Action alleged that any observer can view the monitor and make analysis. The amendment to claim 1 clarifies the original intent of claim 1 that the observer makes an analysis in view of detectability levels, which is not taught or suggested in Orlando. Orlando not only does not teach this limitation, it expressly teaches away from having an observer analyzing visual signals on a monitor because automated results more accurate and less expensive. (Column 3, Lines 33-36.) Therefore, because each and every element of claim 1 is not included in the prior art, claim 1 is believed to be allowable. Claims 2-6 depend from claim 1 and are believed to be allowable for at least the aforementioned reason.

Conclusions:

In view of the aforementioned remarks, it is respectfully submitted that all pending claims are in a condition for allowance. A notice of allowability is therefore respectfully solicited. Please charge any fees required in the filing of this amendment to Deposit Account 06-1510 if insufficient funds then charge Deposit Account 06-1505.

Should the Examiner have any further questions or comments please
contact the undersigned.

Respectfully submitted,

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